

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Benjamin T. Alston, )  
                          )  
Plaintiff,           ) C.A. No. 6:08-2897-HMH-BHH  
                          )  
vs.                   )                           **OPINION & ORDER**  
                          )  
GE Gas Turbines (Greenville), LLC, )  
                          )  
Defendant.           )

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Bruce Howe Hendricks, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 of the District of South Carolina.<sup>1</sup> Benjamin T. Alston alleges discrimination claims pursuant to the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101, et seq., and Title VII, 42 U.S.C. §§ 2000e, et seq., as well as a worker’s compensation retaliatory discharge claim. Defendant, GE Gas Turbines, LLC (“GE”), moves for summary judgment. In her Report and Recommendation, Magistrate Judge Hendricks recommends granting GE’s motion for summary judgment.

Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce,

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that many of Alston's objections<sup>2</sup> are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge Hendrick's Report and Recommendation.

Therefore, it is

**ORDERED** that GE's motion for summary judgment, docket number 61, is granted.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
November 18, 2009

#### **NOTICE OF RIGHT TO APPEAL**

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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<sup>2</sup> Alston filed a "Memorandum in Support of Objection to Motion for Summary Judgment" on October 26, 2009. In this memorandum, Alston writes that he objects to the motion for summary judgment. On November 10, 2009, Alston filed a "Notice of Appeal To Summary Judgment." In his notice of appeal, Alston expresses knowledge of the magistrate judge's recommendation to grant summary judgment. Accordingly, the court will consider both documents as objections to the Report and Recommendation.